

S.B. Criminal Misc. Petition No. 1226/2006

(Anna Ram Vs. Smt. Kaushalya)

Date of Order:

October 09, 2006

HON'BLE MR. H.R. PANWAR, J.

Mr. M.S. Purohit, for the petitioner.

Mr. Manish Dadhich, for the non-petitioner.

This criminal miscellaneous petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, "the Code" hereinafter) is directed against the order dated 17-6-2006 passed by the Additional Sessions Judge (Fast Track) No.3, Bikaner (for short, "the Revisional Court" hereinafter) in Criminal Revision No. 55/2006, whereby the revision petition filed by the petitioner against the order dated 14-10-2005 passed by the Judicial Magistrate, Nokha (for short, "the trial Court" hereinafter) granting monthly allowance of interim maintenance @ Rs.500/- per month in favour of the non-petitioner and against the petitioner, was dismissed.

I have heard learned counsel for the parties. Carefully gone through the orders passed by the trial Court as well as the Revisional Court.

On an application under Section 125 of the Code filed by the non-petitioner, a monthly allowance of interim maintenance was granted by the trial Court in favour of the

non-petitioner. Both the Courts below found the non-petitioner entitled for interim maintenance @ Rs.500/- per month. In my view, it cannot be said that the order granting interim maintenance @ Rs.500/- per month in favour of the non-petitioner and against the petitioner cannot be said to be erroneous in any manner, nor granting interim maintenance @ Rs.500/- per month in favour of non-petitioner can be said to be excessive.

The criminal miscellaneous petition has no force and it is, therefore, dismissed.

(H.R. PANWAR), J.

mcs